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REMARKS

Applicants acknowledge with appreciation the cordial personal interview accorded their counsel by the Examiners on March 23, 2005. The following remarks are respectfully submitted to reflect the discussion that took place at the interview.

It was first noted that the application had been accorded "special status" by the Office in response to Applicants petition due to the fact that there is an infringing product on the market.

The sole issue raised in the Final Office Action mailed January 13, 2005 was a rejection of claims 76, 79, 81, 83, 86, 87, 89, 91, and 93-96 under 35 U.S.C. §103(a) over Ofosu et al., U.S. 6,268,302 in view of McAmish et al., U.S. 4,908,163.

It was pointed out that Ofosu et al. disclose that an object of their invention is to "provide a spunbond polyolefin nonwoven fabric or web which is softer than those conventionally produced by which has comparable strength characteristics" (col. 1, lines 36-40), which is obtained by making a "multi-layer laminate of a first web of high melt flow polymer fibers and a second web of low melt flow polymer fibers" (col. 1, lines 41-45). Ofosu et al. also suggest that their fabric can have an intermediate meltblown web or film layer disposed between the different spunbond layers (col. 8, lines 47-51). Ofosu et al. thus teach use of fiber webs made from two different polyolefin polymers that have different melt flow rates. The different melt flow rates show that the polymers are not the same, notwithstanding the fact that they may start from the same polyolefin material. Moreover, the use of fiber webs made from two different polymers is essential to achieving the object of Ofosu et al. Consequently, it would not be obvious to a person skilled in the art to attempt to modify the fabric of Ofosu et al. to use fiber webs made of the same, single polymer because that would frustrate the purpose of Ofosu et al.

In contrast thereto, the presently claimed invention expressly requires multiple fiber layers made of the same, single polymer.

McAmish was merely cited as disclosing the application of a fluorochemical coating to a nonwoven fabric, but McAmish in no way compensates for the failure of Ofosu et al. to disclose or suggest the use of multiple fiber layers made of the same, single polymer. Thus, the combination of Ofosu et al. and McAmish fails to make out a proper, *prima facie* case of obviousness.

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At the interview, the Examiners acknowledged that the recitation that the layers are constituted of the same, single polymer would patentably distinguish the presently claimed invention over Ofosu et al.

The Examiners noted, however, that such a recitation must be supported by the application disclosure. Support for this recitation is found, *inter alia*, in the examples of the specification. Examples 41 and 42 disclose fabrics made from two plies of "hand-made" (i.e., laboratory scale) fabric, which necessarily means that the layers are made of the same polymer. In addition, the specification at page 15, lines 14-15 explicitly discloses fabric "constituted of a single polymer." It is noted that support *in ipsius verbis* or identical language is not required. Ex parte Holt, 19 USPQ2d 1211 (BPAI 1991). Adequate support is present if the concept of multiple layers of fibers constituted of the same, single polymer is disclosed. Thus, the specification supports the recitation "fibers constituted of the same, single polymer" in the present claims.

During the interview the Examiners also noted that the claims in the amendment of March 18, 2005 were ambiguous in that it was not clear whether it was the fiber layers or just the fibers which were constituted of a single polymer. In response, the claims are hereby further amended to make it clear that it is multiple layers of fibers, and not just the fibers, which must be made of the same, single polymer. In addition, the antecedent problem noted by the Examiner as a result of the introduction of the word "said" in claims 81 and 87 has been corrected.

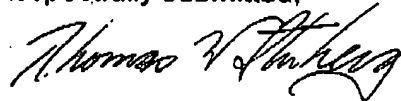
For the foregoing reasons, Applicants respectfully submit that these amendments will place the application in condition for allowance, and prompt, favorable action thereon is earnestly solicited.

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If there are any questions about this Amendment or the application, the Examiner is respectfully requested to contact the undersigned by telephone at (302) 892-0887, so that any such questions may be expeditiously resolved.

Respectfully submitted,



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